UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAR 28 PM 12: 50

UNITED STATES OF AMERICA,	)	Magistrate Docket No.
Plaintiff,	)	**'08 MJ 0956**
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Francisco BALANZAR-Lorenzano,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **March 27, 2008,** within the Southern District of California, defendant, **Francisco BALANZAR-Lorenzano,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **MARCH 2008.**

William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

G-J

CONTINUATION OF COMPLAINT:
Francisco BALANZAR-Lorenzano

PROBABLE CAUSE STATEMENT

On March 27, 2008, Border Patrol Agent J. Castillo was conducting surveillance duties in plain clothes and unmarked Service vehicle near Lyons Valley Road and Japatul Road. Border Patrol Agent J. Angeli was conducting patrol duties in the same area in uniform and driving a marked Service vehicle. This area is located approximately four miles west of the Tecate, California Port of Entry and approximately thirteen miles north of the International Border between the United States and Mexico.

At approximately 12:25 PM, Agent Castillo observed a red Honda Civic westbound on Japatul Road. The vehicle quickly turned south onto Lyons Valley Road and emerged approximately four minutes later to continue its westbound travel. This area is in a remote area of the county, with no businesses and few residences.

Agent Castillo noted this and followed the vehicle for a short time. Agent Castillo contacted Agent Angeli and informed him of the situation. Agent Angeli pulled in behind the vehicle as it passed his location. Agent Angeli notified San Diego Sector Dispatch via service radio of the location, speed and direction of travel of the red Honda and requested a registration check. Agent Angeli activated the emergency lights and siren on his Agency vehicle in an attempt to initiate a traffic stop. The driver failed to yield, and continued westbound at the posted speed limit. Agent Angeli continued to follow the vehicle, assuming the driver might be looking for a safe place to yield.

Supervisory Border Patrol Agent B. Cash ordered Agent Angeli via service radio to cease the vehicle pursuit. Agent Angeli immediately complied, turning off his lights and sirens. Agent Angeli informed SBPA Cash that two unmarked Service vehicles would follow. The Honda continued northwest until reaching Interstate 8. Upon reaching Main Street in El Cajon, California, the vehicle exited I-8, and then immediately got back on the on-ramp off of Main Street. Before entering the I-8, driver abandoned the vehicle, and ran down the side of the ramp, through road side brush, toward some apartments on the west side of the road. This was observed by Border Patrol Agent G. Ballesteros who had been following the vehicle.

Agent Ballessteros ran after the driver and found him hiding behind a retaining wall near the apartments. Agent Ballesteros identified himself as a United States Border Patrol Agent and conducted a field immigration interview. The driver later identified as the defendant **Francisco BALANZAR-Lorenzano** stated he was a Mexican national, without any valid Immigration documentation allowing him to enter or remain in the United States. The subject was arrested and transported the Brown Field Station for processing.

CONTINUATION OF COMPLAINT:
Francisco BALANZAR-Lorenzano

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 1, 2000** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **MARCH 2008.**

William McCurine, Jr.
United States Magistrate Judge